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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,443	12/21/2005	Dieter Hein	166-79	6184
28349 7590 12/02/2008 DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553				
EXAMINER				
MARSH, STEVEN M				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,443

Applicant(s)

HEIN

Examiner

STEVEN M. MARSH

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the second office action for U.S. Application 10/529,443 for a Multiple Telescoping Tube Comprising a Load Controlled Locking Device filed on March 28, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 93/12372 to Lindsay et al. Lindsay discloses a multiple telescopic tube with at least two longitudinally extending outer tubes (18) arranged parallel to each other and at least two longitudinally extending inner tubes (40) arranged parallel to the outer tubes. The inner tubes are displaceable relative to the outer tubes in the longitudinal direction and there is a clamping device (25) that comprises a clamping engagement element (30, 34) that is biased into engagement with outer surfaces of the inner tubes in response to loading of the multiple telescopic tubes in a longitudinal clamping direction.. Upon loading of the multiple telescopic tube in a longitudinal clamping direction, the clamping device prevents displacement of the inner tubes relative to the outer tubes in the clamping direction and the displaceability in the opposing longitudinal direction is

maintained. Loading in the longitudinal direction corresponds to compression and tensional loading of the tube and the inner tubes are arranged in the outer tubes.

The clamping device has an engagement actuation element (35... also a release device) that is a slider firmly lined to the outer tubes and is movable relative to the clamping engagement element in the longitudinal direction of the tube. Upon loading of the tube in the longitudinal direction the engagement actuation element comes into engagement with the clamping engagement element. The relative movement between the engagement elements brings about a movement of the clamping engagement element in the direction of the outer surfaces of the inner tube. The engagement actuation element is designed to be complementary to the clamping engagement element and the engagement elements are in wedge-formed engagement with each other. The clamping engagement element comprises at least two members (30) between which the engagement actuation element is situated and the number of members equals the number of inner tubes. The clamping device has a housing firmly linked to the outer tubes in which the engagement elements are accommodated, and the legs are stand legs for holding a camera.

Claims 1, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,942,187 to Blackburn. Blackburn discloses a multiple telescopic tube with at least two outer tubes (13) arranged parallel to each other and at least two inner tubes (14) arranged parallel to the outer tubes. The inner tubes are displaceable relative to the outer tubes in the longitudinal direction and there is a clamping device (fig. 5) that comprises a clamping engagement element (30) that is biased into engagement with

outer surfaces of the inner tubes in response to loading of the tubes in a longitudinal clamping direction. Upon loading of the multiple telescopic tube in a longitudinal clamping direction, the clamping device prevents displacement of the inner tubes relative to the outer tubes in the clamping direction and the displaceability in the opposing longitudinal direction is maintained. There is a release device (23) for releasing engagement between the clamping engagement element and the exterior surfaces of the inner tubes, the release device being pre-tensioned by an elastic element in a direction opposed to the release.

Response to Arguments

Applicant's arguments filed 1 August 2008 have been fully considered but they are not persuasive. Applicant argues that neither Blackburn or Lindsay et al. disclose a clamping device that is responsive to loading of the tubes in a longitudinal direction. However, the legs being loaded is required for the clamp to work because the clamp is biased into engagement with the legs.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/SMM/

Examiner, Art Unit 3632

Steven M. Marsh

November 22, 2008

//Korie H. Chan//

Primary Examiner, Art Unit 3632